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Laws

By Plato

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Laws

By Plato

Written 360 B.C.E

Translated by Benjamin Jowett

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Book XI

In the next place, dealings between man and man require to be suitably regulated. The principle of them is very simple:-Thou shalt not, if thou canst help, touch that which is mine, or remove the least thing which belongs to me without my consent; and may I be of a sound mind, and do to others as I would that they should do to me. First, let us speak of treasure trove:-May I never pray the Gods to find the hidden treasure, which another has laid up for himself and his family, he not being one of my ancestors, nor lift, if I should find, such a treasure. And may I never have any dealings with those who are called diviners, and who in any way or manner counsel me to take up the deposit entrusted to the earth, for I should not gain so much in the increase of my possessions, if I take up the prize, as I should grow in justice and virtue of soul, if I abstain; and this will be a better possession to me than the other in a better part of myself; for the possession of justice in the soul is preferable to the possession of wealth. And of many things it is well said-"Move not the immovables," and this may be regarded as one of them. And we shall do well to believe the common tradition which says that such deeds prevent a man from having a family. Now as to him who is careless about having children and regardless of the legislator, taking up that which neither he deposited, nor any ancestor of his, without the consent of the depositor, violating the simplest and noblest of laws which was the enactment of no mean man:-"Take not up that which was not laid down by thee"-of him, I say, who despises these two legislators, and takes up, not small matter which he has not deposited, but perhaps a great heap of treasure, what he ought to suffer at the hands of the Gods, God only knows; but I would have the first person who sees him go and tell the wardens of the city, if the occurrence has taken place in the city, or if the occurrence has taken place in the agora he shall tell the wardens of the agora, or if in the country he shall tell the wardens of the country and their commanders. When information has

been received the city shall send to Delphi, and, whatever the God answers about the money and the remover of the money, that the city shall do in obedience to the oracle; the informer, if he be a freeman, shall have the honour of doing rightly, and he who informs not, the dishonour of doing wrongly; and if he be a slave who gives information, let him be freed, as he ought to be, by the state, which shall give his master the price of him; but if he do not inform he shall be punished with death. Next in order shall follow a similar law, which shall apply equally to matters great and small:-If a man happens to leave behind him some part of his property, whether intentionally or unintentionally, let him who may come upon the left property suffer it to remain, reflecting that such things are under the protection of the Goddess of ways, and are dedicated to her by the law. But if any one defies the law, and takes the property home with him, let him, if the thing is of little worth, and the man who takes it a slave, be beaten with many stripes by him, being a person of not less than thirty years of age. Or if he be a freeman, in addition to being thought a mean person and a despiser of the laws, let him pay ten times the value of the treasure which he has moved to the leaver. And if some one accuses another of having anything which belongs to him, whether little or much, and the other admits that he has this thing, but denies that the property in dispute belongs to other, if the property be registered with the magistrates according to law, the claimant shall summon the possessor, who shall bring it before the magistrates; and when it is brought into court, if it be registered in the public registers, to which of the litigants it belonged, let him take it and go his way. Or if the property be registered as belonging to some one who is not present, whoever will offer sufficient surety on behalf of the absent person that he will give it up to him, shall take it away as the representative of the other. But if the property which is deposited be not registered with the magistrates, let it remain until the time of trial with three of the eldest of the magistrates; and if it be an animal which is deposited, then he who loses the suit shall pay the magistrates for its keep, and they shall determine the cause within three days.

Any one who is of sound mind may arrest his own slave, and do with him whatever he will of such things as are lawful; and he may arrest the runaway slave of any of his friends or kindred with a view to his safe-keeping. And if any one takes away him who is being carried off as a slave, intending to liberate him, he who is carrying him off shall let him go; but he who takes him away shall give three sufficient sureties; and if he give them, and not without giving them, he may take him away, but if he take him away after any other manner he shall be deemed guilty of violence, and being convicted shall pay as a penalty double the amount of the damages claimed to him who has been deprived of the slave. Any man may also carry off a freedman, if he do not pay respect or sufficient respect to him who freed him. Now the respect shall be, that the freedman go three times in the month to the hearth of the person who freed him and offer to do whatever he ought, so far as he can; and he shall agree to make such a marriage as his former master approves. He shall not be permitted to have more property than he who gave him liberty, and what more he has shall belong to his master. The freedman shall not remain in the state more than twenty years, but like other foreigners shall go away, taking his entire property with him, unless he has the consent of the magistrates and of his former master to remain. If a freedman or any other stranger has a property greater than the census of the third class, at the expiration of thirty days from the day on which this comes to pass, he shall take that which is his and go his way, and in this case he shall not be allowed to remain any longer by the magistrates. And if any one disobeys this regulation, and is brought into court and convicted, he shall be punished with death, his property shall be confiscated. Suits about these matters shall take place before the tribes, unless the plaintiff and defendant have got rid of the accusation either before their neighbours or before judges chosen by them. If a man lay claim to any animal or anything else which he declares to be his, let the possessor refer to the seller or to some honest and trustworthy person, who has given, or in some legitimate way made over the property to him; if he be a citizen or a metic, sojourning in the city, within thirty days, or, if the property have been

delivered to him by a stranger, within five months, of which the middle month shall include the summer solstice. When goods are exchanged by selling and buying, a man shall deliver them, and receive the price of them, at a fixed place in the agora, and have done with the matter; but he shall not buy or sell anywhere else, nor give credit. And if in any other manner or in any other place there be an exchange of one thing for another, and the seller give credit to the man who buys from him, he must do this on the understanding that the law gives no protection in cases of things sold not in accordance with these regulations. Again, as to contributions, any man who likes may go about collecting contributions as a friend among friends, but if any difference arises about the collection, he is to act on the understanding that the law gives no protection in such cases. He who sells anything above the value of fifty drachmas shall be required to remain in the city for ten days, and the purchaser shall be informed of the house of the seller, with a view to the sort of charges which are apt to arise in such cases, and the restitutions which the law allows. And let legal restitution be on this wise:-If a man sells a slave who is in a consumption, or who has the disease of the stone, or of strangury, or epilepsy, or some other tedious and incurable disorder of body or mind, which is not discernible to the ordinary man, if the purchaser be a physician or trainer, he shall have no right of restitution; nor shall there be any right of restitution if the seller has told the truth beforehand to the buyer. But if a skilled person sells to another who is not skilled, let the buyer appeal for restitution within six months, except in the case of epilepsy, and then the appeal may be made within a year. The cause shall be determined by such physicians as the parties may agree to choose; and the defendant, if he lose the suit, shall pay double the price at which he sold. If a private person sell to another private person, he shall have the right of restitution, and the decision shall be given as before, but the defendant, if he be cast, shall only pay back the price of the slave. If a person sells a homicide to another, and they both know of the fact, let there be no restitution in such a case, but if he do not know of the fact, there shall be a right of restitution, whenever the buyer makes the discovery; and the decision shall rest with the five youngest guardians of the law, and if the decision be that the seller was cognisant of the fact, he shall purify the house of the purchaser, according to the law of the interpreters, and shall pay back three times the purchase-money.

If man exchanges either money for money, or anything whatever for anything else, either with or without life, let him give and receive them genuine and unadulterated, in accordance with the law. And let us have a prelude about all this sort of roguery, like the preludes of our other laws. Every man should regard adulteration as of one and the same class with falsehood and deceit, concerning which the many are too fond of saying that at proper times and places the practice may often be right. But they leave the occasion, and the when, and the where, undefined and unsettled, and from this want of definiteness in their language they do a great deal of harm to themselves and to others. Now a legislator ought not to leave the matter undetermined; he ought to prescribe some limit, either greater or less. Let this be the rule prescribed:-No one shall call the Gods to witness, when he says or does anything false or deceitful or dishonest, unless he would be the most hateful of mankind to them. And he is most hateful to them who takes a false oath, and pays no heed to the Gods; and in the next degree, he who tells a falsehood in the presence of his superiors. Now better men are the superiors of worse men, and in general elders are the superiors of the young; wherefore also parents are the superiors of their off spring, and men of women and children, and rulers of their subjects; for all men ought to reverence any one who is in any position of authority, and especially those who are in state offices. And this is the reason why I have spoken of these matters. For every one who is guilty of adulteration in the agora tells a falsehood, and deceives, and when he invokes the Gods, according to the customs and cautions of the wardens of the agora, he does but swear without any respect for God or man. Certainly, it is an excellent rule not lightly to defile the names of the Gods, after the fashion of men in general, who care little about piety and purity in their religious actions. But if a man will not conform to this rule, let the law be as follows:-He who sells anything in the agora shall not ask

two prices for that which he sells, but he shall ask one price, and if he do not obtain this, he shall take away his goods; and on that day he shall not value them either at more or less; and there shall be no praising of any goods, or oath taken about them. If a person disobeys this command, any citizen who is present, not being less than thirty years of age, may with impunity chastise and beat the swearer, but if instead of obeying the laws he takes no heed, he shall be liable to the charge of having betrayed them. If a man sells any adulterated goods and will not obey these regulations, he who knows and can prove the fact, and does prove it in the presence of the magistrates, if he be a slave or a metic, shall have the adulterated goods; but if he be a citizen, and do not pursue the charge, he shall be called a rogue, and deemed to have robbed the Gods of the agora; or if he proves the charge, he shall dedicate the goods to the Gods of the agora. He who is proved to have sold any adulterated goods, in addition to losing the goods themselves, shall be beaten with stripes-a stripe for a drachma, according to the price of the goods; and the herald shall proclaim in the agora the offence for which he is going to be beaten. The warden of the agora and the guardians of the law shall obtain information from experienced persons about the rogueries and adulterations of the sellers, and shall write up what the seller ought and ought not to do in each case; and let them inscribe their laws on a column in front of the court of the wardens of the agora, that they may be clear instructors of those who have business in the agora. Enough has been said in what has preceded about the wardens of the city, and if anything seems to be wanting, let them communicate with the guardians of the law, and write down the omission, and place on a column in the court of the wardens of the city the primary and secondary regulations which are laid down for them about their office.

After the practices of adulteration naturally follow the practices of retail trade. Concerning these, we will first of all give a word of counsel and reason, and the law shall come afterwards. Retail trade in a city is not by nature intended to do any harm, but quite the contrary; for is not he a benefactor who reduces the inequalities and incommensurabilities of goods to equality and common measure? And this is what the power of money accomplishes, and the merchant may be said to be appointed for this purpose. The hireling and the tavern-keeper, and many other occupations, some of them more and others less seemly-alike have this object;-they seek to satisfy our needs and equalize our possessions. Let us then endeavour to see what has brought retail trade into ill-odour, and wherein, lies the dishonour and unseemliness of it, in order that if not entirely, we may yet partially, cure the evil by legislation. To effect this is no easy matter, and requires a great deal of virtue.

Cleinias. What do you mean?

Athenian Stranger. Dear Cleinias, the class of men is small-they must have been rarely gifted by nature, and trained by education-who, when assailed by wants and desires, are able to hold out and observe moderation, and when they might make a great deal of money are sober in their wishes, and prefer a moderate to a large gain. But the mass of mankind are the very opposite: their desires are unbounded, and when they might gain in moderation they prefer gains without limit; wherefore all that relates to retail trade, and merchandise, and the keeping of taverns, is denounced and numbered among dishonourable things. For if what I trust may never be and will not be, we were to compel, if I may venture to say a ridiculous thing, the best men everywhere to keep taverns for a time, or carry on retail trade, or do anything of that sort; or if, in consequence of some fate or necessity, the best women were compelled to follow similar callings, then we should know how agreeable and pleasant all these things are; and if all such occupations were managed on incorrupt principles, they would be honoured as we honour a mother or a nurse. But now that a man goes to desert places and builds bouses which can only be reached be long journeys, for the sake of retail trade, and receives strangers who are in need at the welcome resting-place, and gives them peace and calm when they are tossed by the storm, or cool shade in the heat; and then instead of behaving to them as friends, and showing the duties of hospitality to

his guests, treats them as enemies and captives who are at his mercy, and will not release them until they have paid the most unjust, abominable, and extortionate ransom-these are the sort of practices, and foul evils they are, which cast a reproach upon the succour of adversity. And the legislator ought always to be devising a remedy for evils of this nature. There is an ancient saying, which is also a true one-"To fight against two opponents is a difficult thing," as is seen in diseases and in many other cases. And in this case also the war is against two enemies-wealth and poverty; one of whom corrupts the soul of man with luxury, while the other drives him by pain into utter shamelessness. What remedy can a city of sense find against this disease? In the first place, they must have as few retail traders as possible; and in the second place, they must assign the occupation to that class of men whose corruption will be the least injury to the state; and in the third place, they must devise some way whereby the followers of these occupations themselves will not readily fall into habits of unbridled shamelessness and meanness.

After this preface let our law run as follows, and may fortune favour us:-No landowner among the Magnetes, whose city the God is restoring and resettling-no one, that is, of the 5040 families, shall become a retail trader either voluntarily or involuntarily; neither shall he be a merchant, or do any service for private persons unless they equally serve him, except for his father or his mother, and their fathers and mothers; and in general for his elders who are freemen, and whom he serves as a freeman. Now it is difficult to determine accurately the things which are worthy or unworthy of a freeman, but let those who have obtained the prize of virtue give judgment about them in accordance with their feelings of right and wrong. He who in any way shares in the illiberality of retail trades may be indicted for dishonouring his race by any one who likes, before those who have been judged to be the first in virtue; and if he appear to throw dirt upon his father's house by an unworthy occupation, let him be imprisoned for a year and abstain from that sort of thing; and if he repeat the offence, for two years; and every time that he is convicted let the length of his imprisonment be doubled. This shall be the second law:-He who engages in retail trade must be either a metic or a stranger. And a third law shall be:-In order that the retail trader who dwells in our city may be as good or as little bad as possible, the guardians of the law shall remember that they are not only guardians of those who may be easily watched and prevented from becoming lawless or bad, because they are wellborn and bred; but still more should they have a watch over those who are of another sort, and follow pursuits which have a very strong tendency to make men bad. And, therefore, in respect of the multifarious occupations of retail trade, that is to say, in respect of such of them as are allowed to remain, because they seem to be quite necessary in a state-about these the guardians of the law should meet and take counsel with those who have experience of the several kinds of retail trade, as we before commanded, concerning adulteration (which is a matter akin to this), and when they meet they shall consider what amount of receipts, after deducting expenses, will produce a moderate gain to the retail trades, and they shall fix in writing and strictly maintain what they find to be the right percentage of profit; this shall be seen to by the wardens of the agora, and by the wardens of the city, and by the wardens of the country. And so retail trade will benefit every one, and do the least possible injury to those in the state who practise it.

When a man makes an agreement which he does not fulfil, unless the agreement be of a nature which the law or a vote of the assembly does not allow, or which he has made under the influence of some unjust compulsion, or which he is prevented from fulfilling against his will by some unexpected chance, the other party may go to law with him in the courts of the tribes, for not having completed his agreement, if the parties are not able previously to come to terms before arbiters or before their neighbours. The class of craftsmen who have furnished human life with the arts is dedicated to Hephaestus and Athene; and there is a class of craftsmen who preserve the works of all craftsmen by arts of defence, the votaries of Ares and Athene, to which divinities they too are rightly dedicated. All these continue through life serving the country and

the people; some of them are leaders in battle; others make for hire implements and works, and they ought not to deceive in such matters, out of respect to the Gods who are their ancestors. If any craftsman through indolence omit to execute his work in a given time, not reverencing the God who gives him the means of life, but considering, foolish fellow, that he is his own God and will let him off easily, in the first place, he shall suffer at the hands of the God, and in the second place, the law shall follow in a similar spirit. He shall owe to him who contracted with him the price of the works which he has failed in performing, and he shall begin again and execute them gratis in the given time. When a man undertakes a work, the law gives him the same advice which was given to the seller, that he should not attempt to raise the price, but simply ask the value; this the law enjoins also on the contractor; for the craftsman assuredly knows the value of his work. Wherefore, in free states the man of art ought not to attempt to impose upon private individuals by the help of his art, which is by nature a true thing; and he who is wronged in a matter of this sort, shall have a right of action against the party who has wronged him. And if any one lets out work to a craftsman, and does not pay him duly according to the lawful agreement, disregarding Zeus the guardian of the city and Athene, who are the partners of the state, and overthrows the foundations of society for the sake of a little gain, in his case let the law and the Gods maintain the common bonds of the state. And let him who, having already received the work in exchange, does not pay the price in the time agreed, pay double the price; and if a year has elapsed, although interest is not to be taken on loans, yet for every drachma which he owes to the contractor let him pay a monthly interest of an obol. Suits about these matters are to be decided by the courts of the tribes; and by the way, since we have mentioned craftsmen at all, we must not forget the other craft of war, in which generals and tacticians are the craftsmen, who undertake voluntarily the work of our safety, as other craftsmen undertake other public works;-if they execute their work well the law will never tire of praising him who gives them those honours which are the just rewards of the soldier; but if any one, having already received the benefit of any noble service in war, does not make the due return of honour, the law will blame him. Let this then be the law, having an ingredient of praise, not compelling but advising the great body of the citizens to honour the brave men who are the saviours of the whole state, whether by their courage or by their military skill;-they should honour them, I say, in the second place; for the first and highest tribute of respect is to be given to those who are able above other men to honour the words of good legislators.

The greater part of the dealings between man and man have been now regulated by us with the exception of those that relate to orphans and the supervision of orphans by their guardians. These follow next in order, and must be regulated in some way. But to arrive at them we must begin with the testamentary wishes of the dying and the case of those who may have happened to die intestate. When I said, Cleinias, that we must regulate them, I had in my mind the difficulty and perplexity in which all such matters are involved. You cannot leave them unregulated, for individuals would make regulations at variance with one another, and repugnant to the laws and habits of the living and to their own previous habits, if a person were simply allowed to make any will which he pleased, and this were to take effect in whatever state he may have been at the end of his life; for most of us lose our senses in a manner, and feel crushed when we think that we are about to die.

Cle. What do you mean, Stranger?

Ath. O Cleinias, a man when he is about to die is an intractable creature, and is apt to use language which causes a great deal of anxiety and trouble to the legislator.

Cle. In what way?

Ath. He wants to have the entire control of all his property, and will use angry words.

Cle. Such as what?

Ath. O ye Gods, he will say, how monstrous that I am not allowed to give, or not to give my own to whom I will-less to him who has been bad to me, and more to him who has been good to me, and whose badness and goodness have been tested by me in time of sickness or in old age and in every other sort of fortune!

Cle. Well Stranger, and may he not very fairly say so?

Ath. In my opinion, Cleinias, the ancient legislators were too good-natured, and made laws without sufficient observation or consideration of human things.

Cle. What do you mean?

Ath. I mean, my friend that they were afraid of the testator's reproaches, and so they passed a law to the effect that a man should be allowed to dispose of his property in all respects as he liked; but you and I, if I am not mistaken, will have something better to say to our departing citizens.

Cle. What?

Ath. O my friends, we will say to them, hard is it for you, who are creatures of a day, to know what is yours-hard too, as the Delphic oracle says, to know yourselves at this hour. Now I, as the legislator, regard you and your possessions, not as belonging to yourselves, but as belonging to your whole family, both past and future, and yet more do regard both family and possessions as belonging to the state; wherefore, if some one steals upon you with flattery, when you are tossed on the sea of disease or old age, and persuades you to dispose of your property in a way that is not for the best, I will not, if I can help, allow this; but I will legislate with a view to the whole, considering what is best both for the state and for the family, esteeming as I ought the feelings of an individual at a lower rate; and I hope that you will depart in peace and kindness towards us, as you are going the way of all mankind; and we will impartially take care of all your concerns, not neglecting any of them, if we can possibly help. Let this be our prelude and consolation to the living and dying, Cleinias, and let the law be as follows:

He who makes a disposition in a testament, if he be the father of a family, shall first of all inscribe as his heir any one of his sons whom he may think fit; and if he gives any of his children to be adopted by another citizen, let the adoption be inscribed. And if he has a son remaining over and above who has not been adopted upon any lot, and who may be expected to be sent out to a colony according to law, to him his father may give as much as he pleases of the rest of his property, with the exception of the paternal lot and the fixtures on the lot. And if there are other sons, let him distribute among them what there is more than the lot in such portions as he pleases. And if one of the sons has already a house of his own, he shall not give him of the money, nor shall he give money to a daughter who has been betrothed, but if she is not betrothed he may give her money. And if any of the sons or daughters shall be found to have another lot of land in the country, which has accrued after the testament has been made, they shall leave the lot which they have inherited to the heir of the man who has made the will. If the testator has no sons, but only daughters, let him choose the husband of any one of his daughters whom he pleases, and leave and inscribe him as his son and heir. And if a man have lost his son, when he was a child, and before he could be reckoned among grown-up men, whether his own or an adopted son, let the testator make mention of the circumstance and inscribe whom he will to be his second son in hope of better fortune. If the testator has no children at all, he may select and give to any one whom he pleases the tenth part of the property which he has acquired; but let him not be blamed if he gives all the rest to his adopted son, and makes a friend of him according to the law. If the sons of a man require guardians, and: the father when he dies leaves a will appointing guardians, those have been named by him, whoever they are and whatever their

number be, if they are able and willing to take charge of the children, shall be recognized according to the provisions of the will. But if he dies and has made no will, or a will in which he has appointed no guardians, then the next of kin, two on the father's and two on the mother's side, and one of the friends of the deceased, shall have the authority of guardians, whom the guardians of the law shall appoint when the orphans require guardians. And the fifteen eldest guardians of the law shall have the whole care and charge of the orphans, divided into threes according to seniority-a body of three for one year, and then another body of three for the next year, until the cycle of the five periods is complete; and this, as far as possible, is to continue always. If a man dies, having made no will at all, and leaves sons who require the care of guardians, they shall share in the protection which is afforded by these laws.

And if a man dying by some unexpected fate leaves daughters behind him, let him pardon the legislator if he gives them in marriage, he have a regard only to two out of three conditions-nearness of kin and the preservation of the lot, and omits the third condition, which a father would naturally consider, for he would choose out of all the citizens a son for himself, and a husband for his daughter, with a view to his character and disposition-the father, say, shall forgive the legislator if he disregards this, which to him is an impossible consideration. Let the law about these matters where practicable be as follows:-If a man dies without making a will, and leaves behind him daughters, let his brother, being the son of the same father or of the same mother, having no lot, marry the daughter and have the lot of the dead man. And if he have no brother, but only a brother's son, in like manner let them marry, if they be of a suitable age; and if there be not even a brother's son, but only the son of a sister, let them do likewise, and so in the fourth degree, if there be only the testator's father's brother, or in the fifth degree, his father's brother's son, or in the sixth degree, the child of his father's sister. Let kindred be always reckoned in this way: if a person leaves daughters the relationship shall proceed upwards through brothers and sisters, and brothers' and sisters' children, and first the males shall come, and after them the females in the same family. The judge shall consider and determine the suitability or unsuitability of age in marriage; he shall make an inspection of the males naked, and of the women naked down to the navel. And if there be a lack of kinsmen in a family extending to grandchildren of a brother, or to the grandchildren of a grandfather's children, the maiden may choose with the consent of her guardians any one of the citizens who is willing and whom she wills, and he shall be the heir of the dead man, and the husband of his daughter. Circumstances vary, and there may sometimes be a still greater lack of relations within the limits of the state; and if any maiden has no kindred living in the city, and there is some one who has been sent out to a colony, and she is disposed to make him the heir of her father's possessions, if he be indeed of her kindred, let him proceed to take the lot according to the regulation of the law; but if he be not of her kindred, she having no kinsmen within the city, and he be chosen by the daughter of the dead man, and empowered to marry by the guardians, let him return home and take the lot of him who died intestate. And if a man has no children, either male or female, and dies without making a will, let the previous law in general hold; and let a man and a woman go forth from the family and share the deserted house, and let the lot belong absolutely to them; and let the heiress in the first degree be a sister, and in a second degree a daughter of a brother, and in the third, a daughter of a sister, in the fourth degree the sister of a father, and in the fifth degree the daughter of a father's brother, and in a sixth degree of a father's sister; and these shall dwell with their male kinsmen, according to the degree of relationship and right, as we enacted before. Now we must not conceal from ourselves that such laws are apt to be oppressive and that there may sometimes be a hardship in the lawgiver commanding the kinsman of the dead man to marry his relation; he may be thought not to have considered the innumerable hindrances which may arise among men in the execution of such ordinances; for there may be cases in which the parties refuse to obey, and are ready to do anything rather than marry, when there is some bodily or mental malady or defect among those who are bidden to marry or be married. Persons may fancy

that the legislator never thought of this, but they are mistaken; wherefore let us make a common prelude on behalf of the lawgiver and of his subjects, the law begging the latter to forgive the legislator, in that he, having to take care of the common weal, cannot order at the same time the various circumstances of individuals, and begging him to pardon them if naturally they are sometimes unable to fulfil the act which he in his ignorance imposes upon them.

Cle. And how, Stranger, can we act most fairly under the circumstances?

Ath. There must be arbiters chosen to deal with such laws and the subjects of them.

Cle. What do you mean?

Ath. I mean to say, that a case may occur in which the nephew, having a rich father, will be unwilling to marry the daughter of his uncle; he will have a feeling of pride, and he will wish to look higher. And there are cases in which the legislator will be imposing upon him the greatest calamity, and he will be compelled to disobey the law, if he is required, for example, to take a wife who is mad, or has some other terrible malady of soul or body, such as makes life intolerable to the sufferer. Then let what we are saying concerning these cases be embodied in a law:-If any one finds fault with the established laws respecting testaments, both as to other matters and especially in what relates to marriage, and asserts that the legislator, if he were alive and present, would not compel him to obey-that is to say, would not compel those who are by our law required to marry or be given in marriage, to do either-and some kinsman or guardian dispute this, the reply is that the legislator left fifteen of the guardians of the law to be arbiters and fathers of orphans, male or female, and to them let the disputants have recourse, and by their aid determine any matters of the kind, admitting their decision to be final. But if any one thinks that too great power is thus given to the guardians of the law, let him bring his adversaries into the court of the select judges, and there have the points in dispute determined. And he who loses the cause shall have censure and blame from the legislator, which, by a man of sense, is felt to be a penalty far heavier than a great loss of money.

Thus will orphan children have a second birth. After their first birth we spoke of their nurture and education, and after their second birth, when they have lost their parents, we ought to take measures that the misfortune of orphanhood may be as little sad to them as possible. In the first place, we say that the guardians of the law are lawgivers and fathers to them, not inferior to their natural fathers. Moreover, they shall take charge of them year by year as of their own kindred; and we have given both to them and to the children's own guardians a suitable admonition concerning the nurture of orphans. And we seem to have spoken opportunely in our former discourse, when we said that the souls of the dead have the power after death of taking an interest in human affairs, about which there are many tales and traditions, long indeed, but true; and seeing that they are so many and so ancient, we must believe them, and we must also believe the lawgivers, who tell us that these things are true, if they are not to be regarded as utter fools. But if these things are really so, in the first place men should have a fear of the Gods above, who regard the loneliness of the orphans; and in the second place of the souls of the departed, who by nature incline to take an especial care of their own children, and are friendly to those who honour, and unfriendly to those who dishonour them. Men should also fear the souls of the living who are aged and high in honour; wherever a city is well ordered and prosperous, their descendants cherish them, and so live happily; old persons are quick to see and hear all that relates to them, and are propitious to those who are just in the fulfilment of such duties, and they punish those who wrong the orphan and the desolate, considering that they are the greatest and most sacred of trusts. To all which matters the guardian and magistrate ought to apply his mind, if he has any, and take heed of the nurture and education of the orphans, seeking in every possible way to do them good, for he is making a contribution to his own good and that of his

children. He who obeys the tale which precedes the law, and does no wrong to an orphan, will never experience the wrath of the legislator. But he who is disobedient, and wrongs any one who is bereft of father or mother, shall pay twice the penalty which he would have paid if he had wronged one whose parents had been alive. As touching other legislation concerning guardians in their relation to orphans, or concerning magistrates and their superintendence of the guardians, if they did not possess examples of the manner in which children of freemen should be brought up in the bringing up of their own children, and of the care of their property in the care of their own, or if they had not just laws fairly stated about these very things-there would have been reason in making laws for them, under the idea that they were a peculiar-class, and we might distinguish and make separate rules for the life of those who are orphans and of those who are not orphans. But as the case stands, the condition of orphans with us not different from the case of those who have father, though in regard to honour and dishonour, and the attention given to them, the two are not usually placed upon a level. Wherefore, touching the legislation about orphans, the law speaks in serious accents, both of persuasion and threatening, and such a threat as the following will be by no means out of place:-He who is the guardian of an orphan of either sex, and he among the guardians of the law to whom the superintendence of this guardian has been assigned, shall love the unfortunate orphan as though he were his own child, and he shall be as careful and diligent in the management of his possessions as he would be if they were his own, or even more careful and dilligent. Let every one who has the care of an orphan observe this law. But any one who acts contrary to the law on these matters, if he be a guardian of the child, may be fined by a magistrate, or, if he be himself a magistrate, the guardian may bring him before the court of select judges, and punish him, if convicted, by exacting a fine of double the amount of that inflicted by the court. And if a guardian appears to the relations of the orphan, or to any other citizen, to act negligently or dishonestly, let them bring him before the same court, and whatever damages are given against him, let him pay fourfold, and let half belong to the orphan and half to him who procured the conviction. If any orphan arrives at years of discretion, and thinks that he has been ill-used by his guardians, let him within five years of the expiration of the guardianship be allowed to bring them to trial; and if any of them be convicted, the court shall determine what he shall pay or suffer. And if magistrate shall appear to have wronged the orphan by neglect, and he be convicted, let the court determine what he shall suffer or pay to the orphan, and if there be dishonesty in addition to neglect, besides paying the fine, let him be deposed from his office of guardian of the law, and let the state appoint another guardian of the law for the city and for the country in his room.

Greater differences than there ought to be sometimes arise between fathers and sons, on the part either of fathers who will be of opinion that the legislator should enact that they may, if they wish, lawfully renounce their son by the proclamation of a herald in the face of the world, or of sons who think that they should be allowed to indict their fathers on the charge of imbecility when they are disabled by disease or old age. These things only happen, as a matter of fact, where the natures of men are utterly bad; for where only half is bad, as, for example, if the father be not bad, but the son be bad, or conversely, no great calamity is the result of such an amount of hatred as this. In another state, a son disowned by his father would not of necessity cease to be a citizen, but in our state, of which these are to be the laws, the disinherited must necessarily emigrate into another country, for no addition can be made even of a single family to the 5040 households; and, therefore, he who deserves to suffer these things must be renounced not only by his father, who is a single person, but by the whole family, and what is done in these cases must be regulated by some such law as the following:-He who in the sad disorder of his soul has a mind, justly or unjustly, to expel from his family a son whom he has begotten and brought up, shall not lightly or at once execute his purpose; but first of all he shall collect together his own kinsmen extending to cousins, and in like manner his son's kinsmen by the mother's side, and in their presence he shall accuse his son, setting forth that he deserves at the hands of them all to be

dismissed from the family; and the son shall be allowed to address them in a similar manner, and show that he does not deserve to suffer any of these things. And if the father persuades them, and obtains the suffrages of more than half of his kindred, exclusive of the father and mother and the offender himself-I say, if he obtains more than half the suffrages of all the other grown-up members of the family, of both sexes, the father shall be permitted to put away his son, but not otherwise. And if any other citizen is willing to adopt the son who is put away, no law shall hinder him; for the characters of young men are subject to many changes in the course of their lives. And if he has been put away, and in a period of ten years no one is willing to adopt him, let those who have the care of the superabundant population which is sent out into colonies, see to him, in order that he may be suitably provided for in the colony. And if disease or age or harshness of temper, or all these together, makes a man to be more out of his mind than the rest of the world are-but this is not observable, except to those who live with him-and he, being master of his property, is the ruin of the house, and his son doubts and hesitates about indicting his father for insanity, let the law in that case or, that he shall first of all go to the eldest guardians of the law and tell them of his father's misfortune, and they shall duly look into the matter, and take counsel as to whether he shall indict him or not. And if they advise him to proceed, they shall be both his witnesses and his advocates; and if the father is cast, he shall henceforth be incapable of ordering the least particular of his life; let him be as a child dwelling in the house for the remainder of his days. And if a man and his wife have an unfortunate incompatibility of temper, ten of the guardians of the law, who are impartial, and ten of the women who regulate marriages, shall look to the matter, and if they are able to reconcile them they shall be formally reconciled; but if their souls are too much tossed with passion, they shall endeavour to find other partners. Now they are not likely to have very gentle tempers; and, therefore, we must endeavour to associate with them deeper and softer natures. Those who have no children, or only a few, at the time of their separation, should choose their new partners with a view to the procreation of children; but those who have a sufficient number of children should separate and marry again in order that they may have some one to grow old with and that the pair may take care of one another in age. If a woman dies, leaving children, male or female, the law will advise rather than compel the husband to bring up the children without introducing into the house a stepmother. But if he have no children, then he shall be compelled to marry until he has begotten a sufficient number of sons to his family and to the state. And if a man dies leaving a sufficient number of children, the mother of his children shall remain with them and bring, them up. But if she appears to be too young to live virtuously without a husband, let her relations communicate with the women who superintend marriage, and let both together do what they think best in these matters; if there is a lack of children, let the choice be made with a view to having them; two children, one of either sex, shall be deemed sufficient in the eye of the law. When a child is admitted to be the offspring of certain parents and is acknowledged by them, but there is need of a decision as to which parent the child is to follow-in case a female slave have intercourse with a male slave, or with a freeman or freedman, the offspring shall always belong to the master of the female slave. Again, if a free woman have intercourse with a male slave, the offspring shall belong to the master of the slave; but if a child be born either of a slave by her master, or of his mistress by a slave-and this be proven offspring of the woman and its father shall be sent away by the women who superintend marriage into another country, and the guardians of the law shall send away the offspring of the man and its mother.

Neither God, nor a man who has understanding, will ever advise any one to neglect his parents. To a discourse concerning the honour and dishonour of parents, a prelude such as the following, about the service of the Gods, will be a suitable introduction:-There are ancient customs about the Gods which are universal, and they are of two kinds: some of the Gods we see with our eyes and we honour them, of others we honour the images, raising statues of them which we adore; and though they are lifeless, yet we imagine that the living Gods have a good will and gratitude

to us on this account. Now, if a man has a father or mother, or their fathers or mothers treasured up in his house stricken in years, let him consider that no statue can be more potent to grant his requests than they are, who are sitting at his hearth if only he knows how to show true service to them.

Cle. And what do you call the true mode of service?

Ath. I will tell you, O my friend, for such things are worth listening to.

Cle. Proceed.

Ath. Oedipus, as tradition says, when dishonoured by his sons, invoked on them curses which every one declares to have been heard and ratified by the Gods, and Amyntor in his wrath invoked curses on his son Phoenix, and Theseus upon Hippolytus, and innumerable others have also called down wrath upon their children, whence it is clear that the Gods listen to the imprecations of parents; for the curses of parents are, as they ought to be, mighty against their children as no others are. And shall we suppose that the prayers of a father or mother who is specially dishonoured by his or her children, are heard by the Gods in accordance with nature; and that if a parent is honoured by them, and in the gladness of his heart earnestly entreats the Gods in his prayers to do them good, he is not equally heard, and that they do not minister to his request? If not, they would be very unjust ministers of good, and that we affirm to be contrary to their nature.

Cle. Certainly.

Ath. May we not think, as I was saying just now, that we can possess no image which is more honoured by the Gods, than that of a father or grandfather, or of a mother stricken in years? whom when a man honours, the heart of the God rejoices, and he is ready to answer their prayers. And, truly, the figure of an ancestor is a wonderful thing, far higher than that of a lifeless image. For the living, when they are honoured by us, join in our prayers, and when they are dishonoured, they utter imprecations against us; but lifeless objects do neither. And therefore, if a man makes a right use of his father and grandfather and other aged relations, he will have images which above all others will win him the favour of the Gods.

Cle. Excellent.

Ath. Every man of any understanding fears and respects the prayers of parents, knowing well that many times and to many persons they have been accomplished. Now these things being thus ordered by nature, good men think it a blessing from heaven if their parents live to old age and reach the utmost limit of human life, or if taken away before their time they are deeply regretted by them; but to bad men parents are always a cause of terror. Wherefore let every man honour with every sort of lawful honour his own parents, agreeably to what has now been said. But if this prelude be an unmeaning sound in the ears of any one, let the law follow, which may be rightly imposed in these terms:-If any one in this city be not sufficiently careful of his parents, and do not regard and gratify in every respect their wishes more than those of his sons and of his other offspring or of himself-let him who experiences this sort of treatment either come himself, or send some one to inform the three eldest guardians of the law, and three of the women who have the care of marriages; and let them look to the matter and punish youthful evil-doers with stripes and bonds if they are under thirty years of age, that is to say, if they be men, or if they be women, let them undergo the same punishment up to forty years of age. But if, when they are still more advanced in years, they continue the same neglect of their parents, and do any hurt to any of them, let them be brought before a court in which every single one of the eldest citizens shall be the judges, and if the offender be convicted, let the court determine what he ought to pay or suffer, and any penalty may be imposed on him which a man can pay or suffer. If the person who has been wronged be unable to inform the magistrates, let any freeman who hears of his

case inform, and if he do not, he shall be deemed base, and shall be liable to have a suit for damage brought against him by any one who likes. And if a slave inform, he shall receive freedom; and if he be the slave of the injurer or injured party, he shall be set free by the magistrates, or if he belong to any other citizen, the public shall pay a price on his behalf to the owner; and let the magistrates take heed that no one wrongs him out of revenge, because he has given information.

Cases in which one man injures another by poisons, and which prove fatal, have been already discussed; but about other cases in which a person intentionally and of malice harms another with meats, or drinks, or ointments, nothing has as yet been determined. For there are two kinds of poisons used among men, which cannot clearly be distinguished. There is the kind just now explicitly mentioned, which injures bodies by the use of other bodies according to a natural law; there is also another kind which persuades the more daring class that they can do injury by sorceries, and incantations, and magic knots, as they are termed, and makes others believe that they above all persons are injured by the powers of the magician. Now it is not easy to know the nature of all these things; nor if a man do know can he readily persuade others to believe him. And when men are disturbed in their minds at the sight of waxen images fixed either at their doors, or in a place where three ways meet, or on the sepulchres of parents, there is no use in trying to persuade them that they should despise all such things because they have no certain knowledge about them. But we must have a law in two parts, concerning poisoning, in whichever of the two ways the attempt is made, and we must entreat, and exhort, and advise men not to have recourse to such practices, by which they scare the multitude out of their wits, as if they were children, compelling the legislator and the judge to heal the fears which the sorcerer arouses, and to tell them in the first place, that he who attempts to poison or enchant others knows not what he is doing, either as regards the body (unless he has a knowledge of medicine), or as regards his enchantments (unless he happens to be a prophet or diviner). Let the law, then, run as follows about poisoning or witchcraft:-He who employs poison to do any injury, not fatal, to a man himself, or to his servants, or any injury, whether fatal or not, to his cattle or his bees, if he be a physician, and be convicted of poisoning, shall be punished with death; or if he be a private person, the court shall determine what he is to pay or suffer. But he who seems to be the sort of man injures others by magic knots, or enchantments, or incantations, or any of the like practices, if he be a prophet or diviner, let him die; and if, not being a prophet, he be convicted of witchcraft, as in the previous case, let the court fix what he ought to pay or suffer.

When a man does another any injury by theft or violence, for the greater injury let him pay greater damages to the injured man, and less for the smaller injury; but in all cases, whatever the injury may have been, as much as will compensate the loss. And besides the compensation of the wrong, let a man pay a further penalty for the chastisement of his offence: he who has done the wrong instigated by the folly of another, through the lightheartedness of youth or the like, shall pay a lighter penalty; but he who has injured another through his own folly, when overcome by pleasure or pain, in cowardly fear, or lust, or envy, or implacable anger, shall endure a heavier punishment. Not that he is punished because he did wrong, for that which is done can never be undone, but in order that in future times, he, and those who see him corrected, may utterly hate injustice, or at any rate abate much of their evil-doing. Having an eye to all these things, the law, like a good archer, should aim at the right measure of punishment, and in all cases at the deserved punishment. In the attainment of this the judge shall be a fellow-worker with the legislator, whenever the law leaves to him to determine what the offender shall suffer or pay; and the legislator, like a painter, shall give a rough sketch of the cases in which the law is to be applied. This is what we must do, Megillus and Cleinias, in the best and fairest manner that we can, saying what the punishments are to be of all actions of theft and violence, and giving laws of such a kind as the Gods and sons of Gods would have us give.

If a man is mad he shall not be at large in the city, but his relations shall keep him at home in any way which they can; or if not, let them pay a penalty—he who is of the highest class shall pay a penalty of one hundred drachmae, whether he be a slave or a freeman whom he neglects; and he of the second class shall pay four-fifths of a mina; and he of the third class three-fifths; and he of the fourth class two-fifths. Now there are many sorts of madness, some arising out of disease, which we have already mentioned; and there are other kinds, which originate in an evil and passionate temperament, and are increased by bad education; out of a slight quarrel this class of madmen will often raise a storm of abuse against one another, and nothing of that sort ought to be allowed to occur in a well-ordered state. Let this, then, be the law about abuse, which shall relate to all cases:—No one shall speak evil of another; and when a man disputes with another he shall teach and learn of the disputant and the company, but he shall abstain from evilspeaking; for out of the imprecations which men utter against one another, and the feminine habit of casting aspersions on one another, and using foul names, out of words light as air, in very deed the greatest enmities and hatreds spring up. For the speaker gratifies his anger, which is an ungracious element of his nature; and nursing up his wrath by the entertainment of evil thoughts, and exacerbating that part of his soul which was formerly civilized by education, he lives in a state of savageness and moroseness, and pays a bitter penalty for his anger. And in such cases almost all men take to saying something ridiculous about their opponent, and there is no man who is in the habit of laughing at another who does not miss virtue and earnestness altogether, or lose the better half of greatness. Wherefore let no one utter any taunting word at a temple, or at the public sacrifices, or at games, or in the agora, or in a court of justice, or in any public assembly. And let the magistrate who presides on these occasions chastise an offender, and he shall be blameless; but if he fails in doing so, he shall not claim the prize of virtue; for he is one who heeds not the laws, and does not do what the legislator commands. And if in any other place any one indulges in these sort of revilings, whether he has begun the quarrel or is only retaliating, let any elder who is present support the law, and control with blows those who indulge in passion, which is another great evil; and if he do not, let him be liable to pay the appointed penalty. And we say now, that he who deals in reproaches against others cannot reproach them without attempting to ridicule them; and this, when done in a moment of anger, is what we make matter of reproach against him. But then, do we admit into our state the comic writers who are so fond of making mankind ridiculous, if they attempt in a good-natured manner to turn the laugh against our citizens? or do we draw the distinction of jest and earnest, and allow a man to make use of ridicule in jest and without anger about any thing or person; though as we were saying, not if he be angry have a set purpose? We forbid earnest—that is unalterably fixed; but we have still to say who are to be sanctioned or not to be sanctioned by the law in the employment of innocent humour. A comic poet, or maker of iambic or satirical lyric verse, shall not be permitted to ridicule any of the citizens, either by word or likeness, either in anger or without anger. And if any one is disobedient, the judges shall either at once expel him from the country, or he shall pay a fine of three minae, which shall be dedicated to the God who presides over the contests. Those only who have received permission shall be allowed to write verses at one another, but they shall be without anger and in jest; in anger and in serious earnest they shall not be allowed. The decision of this matter shall be left to the superintendent of the general education of the young, and whatever he may license, the writer shall be allowed to produce, and whatever he rejects let not the poet himself exhibit, or ever teach anybody else, slave or freeman, under the penalty of being dishonoured, and held disobedient to the laws.

Now he is not to be pitied who is hungry, or who suffers any bodily pain, but he who is temperate, or has some other virtue, or part of a virtue, and at the same time suffers from misfortune; it would be an extraordinary thing if such an one, whether slave or freeman, were utterly forsaken and fell into the extremes of poverty in any tolerably well-ordered city or

government. Wherefore the legislator may safely make a law applicable to such cases in the following terms:-Let there be no beggars in our state; and if anybody begs, seeking to pick up a livelihood by unavailing prayers, let the wardens of the agora turn him out of the agora, and the wardens of the city out of the city, and the wardens of the country send him out of any other parts of the land across the border, in order that the land may be cleared of this sort of animal.

If a slave of either sex injure anything, which is not his or her own, through inexperience, or some improper practice, and the person who suffers damage be not himself in part to blame, the master of the slave who has done the harm shall either make full satisfaction, or give up the slave who has done the injury. But if master argue that the charge has arisen by collusion between the injured party and the injurer, with the view of obtaining the slave, let him sue the person, who says that he has been injured, for malpractices. And if he gain a conviction, let him receive double the value which the court fixes as the price of the slave; and if he lose his suit, let him make amends for the injury, and give up the slave. And if a beast of burden, or horse, or dog, or any other animal, injure the property of a neighbour, the owner shall in like manner pay for the injury.

If any man refuses to be a witness, he who wants him shall summon him, and he who is summoned shall come to the trial; and if he knows and is willing to bear witness, let him bear witness, but if he says he does not know let him swear by the three divinities Zeus, and Apollo, and Themis, that he does not, and have no more to do with the cause. And he who is summoned to give witness and does not answer to his summoner, shall be liable for the harm which ensues according to law. And if a person calls up as a witness any one who is acting as a judge, let him give his witness, but he shall not afterwards vote in the cause. A free woman may give her witness and plead, if she be more than forty years of age, and may bring an action if she have no husband; but if her husband be alive she shall only be allowed to bear witness. A slave of either sex and a child shall be allowed to give evidence and to plead, but only in cases of murder; and they must produce sufficient sureties that they will certainly remain until the trial, in case they should be charged with false witness. And either of the parties in a cause may bring an accusation of perjury against witnesses, touching their evidence in whole or in part, if he asserts that such evidence has been given; but the accusation must be brought previous to the final decision of the cause. The magistrates shall preserve the accusations of false witness, and have them kept under the seal of both parties, and produce them on the day when the trial for false witness takes place. If a man be twice convicted of false witness, he shall not be required, and if thrice, he shall not be allowed to bear witness; and if he dare to witness after he has been convicted three times, let any one who pleases inform against him to the magistrates, and let the magistrates hand him over to the court, and if he be convicted he shall be punished with death. And in any case in which the evidence is rightly found to be false, and yet to have given the victory to him who wins the suit, and more than half the witnesses are condemned, the decision which was gained by these means shall be a discussion and a decision as to whether the suit was determined by that false evidence or and in whichever way the decision may be given, the previous suit shall be determined accordingly.

There are many noble things in human life, but to most of them attach evils which are fated to corrupt and spoil them. Is not justice noble, which has been the civilizer of humanity? How then can the advocate of justice be other than noble? And yet upon this profession which is presented to us under the fair name of art has come an evil reputation. In the first place; we are told that by ingenious pleas and the help of an advocate the law enables a man to win a particular cause, whether just or unjust; and the power of speech which is thereby imparted, are at the service of him who is willing to pay for them. Now in our state this so-called art, whether really an art or only an experience and practice destitute of any art, ought if possible never to come into

existence, or if existing among us should listen to the request of the legislator and go away into another land, and not speak contrary to justice. If the offenders obey we say no more; but those who disobey, the voice of the law is as follows:-If anyone thinks that he will pervert the power of justice in the minds of the judges, and unseasonably litigate or advocate, let any one who likes indict him for malpractices of law and dishonest advocacy, and let him be judged in the court of select judges; and if he be convicted, let the court determine whether he may be supposed to act from a love of money or from contentiousness. And if he is supposed to act from contentiousness, the court shall fix a time during which he shall not be allowed to institute or plead a cause; and if he is supposed to act as he does from love of money, in case he be a stranger, he shall leave the country, and never return under penalty of death; but if he be a citizen, he shall die, because he is a lover of money, in whatever manner gained; and equally, if he be judged to have acted more than once from contentiousness, he shall die.

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